

FILED

OCT 17 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E. K. WADE,

Plaintiff(s),

vs.

JIM NICHOLSON, Secretary of Veterans Affairs,

Defendant(s).

No.CV 07-80177 Misc.
MHP

**ORDER RE FILING
OF COMPLAINT**

Plaintiff seeks leave to file this action, being the subject of a pre-filing review order in C-06-02346 CRB. That action and a number of others recited in the order involved claims for veterans benefits or claims against the Veterans Affairs Northern California Health Care System. This action, however, relates to plaintiff's claims of discriminatory treatment in hiring by the Department of Veterans Affairs. The nature of the claim is entirely different from those that were the subject of C-06-02346. Therefore, the court will allow plaintiff to file this action.

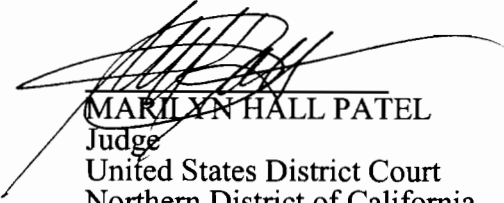
However, the court notes that plaintiff has filed at least twenty-seven (27) actions in this court and at least nine of them are against other governmental entities, federal and state, for discriminatory employment practices. When last before this court in C-06-4431 MHP plaintiff was warned about his frequent filings. The court ultimately dismissed the complaint without prejudice and two months later plaintiff filed his own notice of dismissal. The court also observes that plaintiff has in other cases volutarily dismissed his action; the reasons are not apparent from the docket sheet. Nonetheless, it is clear that plaintiff has been an all too frequent filer and it appears

1 that many of his cases are without merit. Thus, while the court will allow him to file this action, it
2 will not grant *in forma pauperis* status. Plaintiff must pay the filing fee, if he intends to file this
3 action.

4 Accordingly,

5 IT IS HEREBY ORDERED that the Clerk of Court shall file this complaint upon the
6 payment of the filing fee. *In forma pauperis* status is DENIED.

7
8 Date: October 16, 2007


MARILYN HALL PATEL
Judge
United States District Court
Northern District of California